

**CHAPTER 3 R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS****Section**

300	R-2 Districts: General Provisions
301	Accessory Uses and Buildings (R-2)
302	Special Exceptions: General (R-2)
303	Youth Residential Care Homes and Community Residence Facilities (R-2)
304	Health Care Facilities (R-2)
305	Emergency Shelters (R-2)
306	Rehabilitation and Substance Abusers' Homes (R-2)
307-319	[Reserved]
320	R-3 Districts: General Provisions
321	Accessory Uses and Buildings (R-3)
322	Special Exceptions: General (R-3)
323-329	[Reserved]
330	R-4 Districts: General Provisions
331	Accessory Uses and Buildings (R-4)
332	Special Exceptions: General (R-4)
333	Storage and Parking on Alley Lots (R-4)
334	Community Service Centers (R-4)
335	Rehabilitation and Substance Abusers' Homes (R-4)
336-349	[Reserved]
350	R-5 Districts: General Provisions
351	Accessory Uses and Buildings (R-5)
352	Special Exceptions: General (R-5)
353	New Residential Developments (R-5-A)
354	Convenience Stores in Apartment Houses (R-5)
355	Parking Garages (R-5)
356	Commercial Adjuncts to Hotels (R-5)
357	Rehabilitation and Substance Abuser's Homes (R-5)
358	Youth Residential Care Homes and Community Residence Facilities (R-5)
359	Health Care Facilities (R-5)
360	Emergency Shelters (R-5)
361	Art Galleries (R-5)

**300 R-2 DISTRICTS: GENERAL PROVISIONS**

- 300.1 The R-2 District consists of those areas that have been developed with one-family, semi-detached dwellings, and is designed to protect them from invasion by denser types of residential development. It shall be expected that these areas will continue to contain some small one-family detached dwellings.
- 300.2 Except as provided in chapters 21 through 25 of this title, in an R-2 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 301 through 319.
- 300.3 The following uses shall be permitted as a matter of right in R-2 Districts:
- (a) Any use permitted in R-1 Districts under § 201;

- (b) Community house existing on May 12, 1958;
- (c) One-family, semi-detached dwelling; and
- (d) Youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families; provided, that there is no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. and 1999 Supp.))).

**SOURCE:** § 3101 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3490 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8355-56 (October 20, 2000).

### **301 ACCESSORY USES AND BUILDINGS (R-2)**

**301.1** The following accessory uses or accessory buildings incidental to the uses permitted for R-2 Districts in §§ 300 through 319 shall be permitted in R-2 Districts:

- (a) Any accessory use permitted in R-1 Districts under § 202; and
- (b) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-2 Districts under this chapter.

**SOURCE:** § 3102.5 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8336 (October 20, 2000).

### **302 SPECIAL EXCEPTIONS: GENERAL (R-2)**

**302.1** Any use or structure permitted in R-1 Districts under §§ 205 through 209, 211 through 221, and 223 shall be permitted as a special exception in an R-2 District if approved by the Board of Zoning Adjustment under § 3104.

**302.2** A college or university use permitted in R-1 Districts under § 210 shall be permitted as a special exception in an R-2 District if approved by the Zoning Commission under § 3104.

**SOURCE:** § 3102.4 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9725, 9729-9730 (December 8, 2000).

**303 YOUTH RESIDENTIAL CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-2)**

- 303.1 Youth residential care homes or community residence facilities for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 303.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 303.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 303.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 303.5 The proposed facility shall meet all applicable code and licensing requirements.
- 303.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 303.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 303.8 In the case of a community residence facility, the Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District.
- 303.9 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

**SOURCE:** § 3102.42 of the Zoning Regulations, effective May 12, 1958; as added by: Final Rulemaking published at 28 DCR 3482, 3490 (August 7, 1981); and Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8356-57 (October 20, 2000).

**304 HEALTH CARE FACILITIES (R-2)**

- 304.1 Health care facilities for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 304.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 304.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the property.
- 304.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 304.5 The proposed facility shall meet all applicable code and licensing requirements.
- 304.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 304.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 304.8 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District.
- 304.9 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District of Columbia departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

**SOURCE:** § 3102.43 of the Zoning Regulations, effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3491 (August 7, 1981); and Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8357 (October 20, 2000).

**305 EMERGENCY SHELTERS (R-2)**

- 305.1 Emergency shelters for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 305.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 305.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the property.
- 305.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 305.5 The proposed facility shall meet all applicable code and licensing requirements.
- 305.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 305.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 305.8 The Board may approve a facility for more than fifteen (15) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and there is no other reasonable alternative to meet the program needs of that area of the District.
- 305.9 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

**SOURCE:** § 3102.44 of the Zoning Regulations, effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3492 (August 7, 1981); and Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8357-58 (October 20, 2000).

**306 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-2)**

- 306.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers' homes for one (1) to eight (8) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-2 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 306.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 306.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 306.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 306.5 The proposed facility shall meet all applicable code and licensing requirements.
- 306.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 306.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 306.8 The Board shall not approve more than one (1) youth rehabilitation home, adult rehabilitation home, or substance abusers home in a square or within five hundred feet (500 ft.) of each other.
- 306.9 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District of Columbia departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

**SOURCE:** § 3102.45 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 3482, 3493 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8358 (October 20, 2000).

**307 - 319 [RESERVED]**

**320 R-3 DISTRICTS: GENERAL PROVISIONS**

320.1 The R-3 District is designed essentially for row dwellings, but there shall be included in an R-3 District areas within which row dwellings are mingled with one-family detached dwellings, one-family semi-detached dwellings, and groups of three (3) or more row dwellings. To maintain a family-life environment, permitted related uses are the same in R-3 Districts as in R-1 Districts.

320.2 Except as provided in chapters 20 through 25 of this title, in an R-3 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 320 through 329.

320.3 The following uses shall be permitted as a matter of right in an R-3 District:

- (a) Any use permitted in an R-2 District under § 300.3; and
- (b) Row dwelling.

**SOURCE:** §§ 3103.1, 3103.2, and 3103.3 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8358 (October 20, 2000).

**321 ACCESSORY USES AND BUILDINGS (R-3)**

321.1 The following accessory uses or accessory buildings incidental to the uses permitted in § 320.3 shall be permitted in R-3 Districts:

- (a) Any accessory use or accessory building permitted in R-1 Districts under §§ 202 and 204; and
- (b) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-3 Districts under this chapter.

**SOURCE:** § 3103.5 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8358 (October 20, 2000).

**322 SPECIAL EXCEPTIONS: GENERAL (R-3)**

322.1 Any use or structure permitted in R-2 Districts under §§ 302.1 and 303 through 306 shall be permitted as a special exception in an R-3 District if approved by the Board of Zoning Adjustment under § 3104.

- 322.2 A college or university use permitted in R-2 Districts under § 302.2 shall be permitted as a special exception in an R-3 District if approved by the Zoning Commission under § 3104.

SOURCE: § 3103.4 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9725, 9730 (December 8, 2000).

**323 - 329 [RESERVED]**

**330 R-4 DISTRICTS: GENERAL PROVISIONS**

- 330.1 The R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.
- 330.2 Very little vacant land shall be included within the R-4 District, since its primary purpose shall be the stabilization of remaining one-family dwellings.
- 330.3 The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement.
- 330.4 Except as provided in chapters 20 through 25 of this title, in an R-4 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 330 through 349.
- 330.5 The following uses shall be permitted as a matter of right in an R-4 District:
- (a) Any use permitted in R-3 Districts under § 320.3;
  - (b) Flat;
  - (c) The conversion of a building or other structure existing before May 12, 1958, to an apartment house as limited by §§ 350.4(c) and 401.3;
  - (d) Child/elderly development center; provided, that the center shall be limited to no more than sixteen (16) individuals;
  - (e) Child/Elderly development center located in a building that was built as a church and that has been used continuously as a church since it was built; provided, that all of the play space required for the center by the licensing regulations shall be located on the same lot on which the center is located;
  - (f) Hospital, sanitarium, or clinic for humans;



- (g) Private club, lodge, fraternity house, sorority house, or dormitory, except when the use is a service customarily carried on as a business;
- (h) Museum; and
- (i) Community-based residential facility; provided that, notwithstanding any provision in this title to the contrary, the Zoning Administrator has determined that such community-based residential facility, that otherwise complies with the zoning requirements of this title that are of general and uniform applicability to all matter-of-right uses in an R-4 District, is intended to be operated as housing for persons with handicaps. For purposes of this subsection, a "handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having, or being regarded as having, such an impairment, but such item does not include current, illegal use of, or addiction to, a controlled substance.

330.6 A rooming or boarding house shall be permitted as a matter of right in an R-4 District; provided:

- (a) Accommodations are not provided to transient guests who stay ninety (90) days or less at the premises;
- (b) No sign is displayed on the premises;
- (c) No advertisement is displayed or published on or off the premises holding out the establishment to be a hotel, motel, inn, hostel, bed and breakfast, private club, tourist home, guest house, or other transient accommodation;
- (d) Cooking facilities are not provided in any individual unit; and
- (e) In a rooming house, no central dining or food preparation area is provided for guests.

**SOURCE:** §§ 3104.1 and 3104.3 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3494 (August 7, 1981); Final Rulemaking published at 29 DCR 4913, 4918 (November 5, 1982); Final Rulemaking published at 35 DCR 465, 467 (January 22, 1988); by Final Rulemaking published at 36 DCR 7625 (November 3, 1989); Final Rulemaking published at 46 DCMR 3997, 3998 (April 30, 1999); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8359 (October 20, 2000); and Final Rulemaking published at 49 DCR 2750 (March 22, 2002).

### 331 ACCESSORY USES AND BUILDINGS (R-4)

331.1 The following accessory uses or accessory buildings incidental to the uses permitted in §§ 330 through 349 shall be permitted in an R-4 District:

- (a) Any accessory use or accessory building permitted in R-3 Districts under § 321;
- (b) Accessory parking spaces or an accessory parking garage subject to the special provisions of chapters 21 and 23 of this title; and
- (c) Other accessory uses, buildings, or structures customarily incidental to the uses permitted in R-4 Districts under the provisions of this chapter, including mechanical amusement machines that are accessory to museum uses, subject to § 2501.

**SOURCE:** § 3104.5 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 35 DCR 465, 467 (January 22, 1983); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8360 (October 20, 2000).

### **332 SPECIAL EXCEPTIONS: GENERAL (R-4)**

**332.1** The following uses and structures shall be permitted as special exceptions in an R-4 District if approved by the Board of Zoning Adjustment under § 3104:

- (a) The uses and structures permitted in an R-3 District under § 322.1 not permitted as a matter of right under § 330.5; and
- (b) Telephone exchange, if declared necessary in the public interest by the Public Utilities Commission, and subject to requirements for setback, screening, or other safeguards as the Board deems necessary for the protection of neighboring property.

**332.2** A college or university use permitted in an R-3 District under § 322.2, not permitted as a matter of right under § 330.5 shall be permitted as a special exception in an R-4 District if approved by the Zoning Commission under § 3104.

**SOURCE:** § 3104.4 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9725, 9731 (December 8, 2000).

### **333 STORAGE AND PARKING ON ALLEY LOTS (R-4)**

**333.1** Storage of wares and goods, parking lot, parking garage, or public storage garage not otherwise permitted under this chapter, on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

- 333.2 No storage use authorized in this section shall be located in a building containing more than twenty-five hundred square feet (2,500 ft.<sup>2</sup>) of gross floor area.
- 333.3 Any use authorized in this section shall not be likely to become objectionable because of noise, traffic, or number of employees.
- 333.4 The alley upon which the use is to be located shall be readily negotiable by any trucking necessary for the proposed operation.
- 333.5 The hours of active operation shall be arranged so as not to prove disturbing or otherwise objectionable to persons residing around the perimeter of the square in which located.

**SOURCE:** § 3104.43 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8360 (October 20, 2000).

**334 COMMUNITY SERVICE CENTERS (R-4)**

- 334.1 A community service center to accommodate organizations created for the purpose of improving the social or economic well-being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose, shall be permitted as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.
- 334.3 No structural changes shall be made except those required by other municipal laws or regulations.
- 334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.
- 334.5 A community service center shall not be organized for profit, and no part of its net income shall inure to the benefit of any private shareholder or individual.

**SOURCE:** § 3104.46 of the Zoning Regulations, effective May 12, 1958; as added by Case No. 63-63, August 14, 1964; as amended by: Final Rulemaking published at 28 DCR 3482, 3495 (August 7, 1981); Final Rulemaking published at 31 DCR 6585, 6586 (December 28, 1984); Final Rulemaking, 46 DCR 8284, 8287 (October 15, 1999); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8360 (October 20, 2000).

**335 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-4)**

- 335.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers' homes for one (1) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 335.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 335.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 335.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 335.5 The proposed facility shall meet all applicable code and licensing and requirements.
- 335.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 335.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 335.8 The Board shall not approve more than one (1) youth rehabilitation home, adult rehabilitation home, or substance abusers' home in a square or within five hundred feet (500 ft.) of each other.
- 335.9 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District of Columbia departments and agencies including, but not limited to, the Departments of Transportation, Human Services, and Corrections and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 3104.47 of the Zoning Regulations, effective May 12, 1958; as added by Final Rulemaking published at 28 DCR 3482, 3495 (August 7, 1981); as amended by Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8361 (October 20, 2000).

**336 - 349 [RESERVED]**

**350 R-5 DISTRICTS: GENERAL PROVISIONS**

- 350.1 The R-5 Districts are General Residence Districts designed to permit flexibility of design by permitting in a single district, except as provided in §§ 350 through 361, all types of urban residential development if they conform to the height, density, and area requirements established for these districts under chapter 4 of this title. The R-5 Districts shall also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts.
- 350.2 The R-5 Districts are subdivided into R-5-A, R-5-B, R-5-C, R-5-D, and R-5-E Districts. In R-5-A Districts, only a low height and density shall be permitted; in R-5-B, a moderate height and density shall be permitted; in R-5-C, a medium height and density shall be permitted; and in R-5-D and R-5-E, a relatively high height and medium-high density shall be permitted.
- 350.3 Except as provided in chapters 20 through 25 of this title, in any R-5 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 350 through 361.
- 350.4 The following uses shall be permitted as a matter of right in an R-5 District:
- (a) Any use permitted in the R-4 District subject to the requirements of §§ 353 and 410;
  - (b) Greenhouse or horticultural nursery;
  - (c) Multiple dwellings, subject to the requirements of §§ 353 and 410; provided, that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one month;
  - (d) Hotel, only in R-5-B, R-5-C, R-5-D, or R-5-E Districts, in existence as of May 16, 1980, with a valid Certificate of Occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered;
  - (e) Residence for teachers or staff of private schools;
  - (f) Youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families; provided, that there is no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property; and

- (g) Child/Elderly development center in R-5-D and R-5-E Districts; provided, that the center shall be limited to no more than twenty-five (25) individuals.

350.5 A parking garage on an alley lot so recorded on the records of the Surveyor, District of Columbia, or recorded on the records of the D.C. Office of Tax and Revenue, on or before November 1, 1957, shall be permitted as a matter of right in an R-5 District; provided:

- (a) No part of the garage shall be located within seventy-five feet (75 ft.) of any building line; and
- (b) Vehicular entrances and exits shall open directly onto an alley.

350.6 A chancery is a permitted use in R-5-D or R-5-E Districts, subject to disapproval by the Board of Zoning Adjustment in accordance with the requirements of chapter 10 of this title.

SOURCE: §§ 3105.1, 3105.2, 3105.3 of the Zoning Regulations, effective May 12, 1958; as amended: by Final Rulemaking published at 27 DCR 2066, 2068 (May 16, 1980); Final Rulemaking published at 28 DCR 3482, 3496 (August 7, 1981); Final Rulemaking published at 29 DCR 4913, 4919 (November 5, 1982); Final Rulemaking published at 30 DCR 3270, 3271 (July 1, 1983); Final Rulemaking published at 36 DCR 7625, 7626 (November 3, 1989); Final Rulemaking published at 39 DCR 8305 (November 13, 1992); Final Rulemaking published at 40 DCR 726 (January 22, 1993); Final Rulemaking published at 46 DCR 8284, 8288 (October 15, 1999); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8361-62 (October 20, 2000).

### 351 ACCESSORY USES AND BUILDINGS (R-5)

351.1 The following accessory uses or accessory buildings incidental to the uses listed in § 350 shall be permitted in an R-5 District:

- (a) Any accessory use or accessory building permitted in R-4 Districts under § 331;
- (b) Temporary exhibits, fundraising functions, and benefit sales for nonprofit organizations not to exceed ten (10) days in a hotel with more than one hundred (100) rooms or suites; and
- (c) Any other accessory uses or accessory buildings customarily incidental to the uses permitted in R-5 Districts under this chapter, including mechanical amusement machines that are accessory to uses specified in § 350.4(d), subject to the provisions of § 2501.

351.2 Commercial adjuncts as accessory uses to a hotel containing one hundred (100) or more rooms or suites shall be permitted in an R-5 District; provided:

- (a) The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased;
- (b) There shall be no direct entrance to the function rooms, exhibit space, and commercial adjuncts from the outside of the building;
- (c) No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk; and
- (d) No sign or display indicating the existence of the adjuncts shall be visible from the outside of the building.

**SOURCE:** § 3105.5 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2066, 2068 (May 16, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8362 (October 20, 2000).

### **352 SPECIAL EXCEPTIONS: GENERAL (R-5)**

- 352.1 Any use or structure permitted as a special exception in R-4 Districts under §§ 332.1 and 333 through 335 shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104.
- 352.2 A college or university use permitted in R-4 Districts under § 332.2 shall be permitted as a special exception in an R-5 District if approved by the Zoning Commission under § 3104.

**SOURCE:** § 3105.4 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9725, 9731 (December 8, 2000).

### **353 NEW RESIDENTIAL DEVELOPMENTS (R-5-A)**

- 353.1 In R-5-A Districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under § 3104 in accordance with the standards and requirements in § 410 and this section.
- 353.2 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.
- 353.3 The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

353.4 The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood.

353.5 In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

SOURCE: § 3105.42 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8362-63 (October 20, 2000).

#### 354 CONVENIENCE STORES IN APARTMENT HOUSES (R-5)

354.1 Sale of the following convenience commodities and services as accessory uses and appropriate adjuncts to an apartment house that are designed to serve the tenants' daily living needs shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section:

- (a) Foods, drugs, and sundries; and
- (b) Personal services.

354.2 The adjuncts authorized under this section shall be limited to the main floor of the building or below.

354.3 There shall be no direct entrance to the adjunct from the outside of the building.

354.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.

354.5 No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.

354.6 The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial District.

354.7 Subject to compliance with the provisions of § 354.6, these uses may also be permitted within an interior patio or other type of open ground level area; provided:

- (a) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use; and



- (b) No part of the adjunct, the entrance to the adjunct, or any sign or display indicating the existence of the adjunct shall be visible from a public sidewalk.

354.8 The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established Commercial Districts, but in order to protect the value and stability of these Districts, the Board shall give consideration to the following:

- (a) The proximity of Commercial Districts to the adjuncts proposed;
- (b) The adequacy and convenience of parking spaces existing in or for those Commercial Districts;
- (c) The adequacy and scope of commodities and services provided within those Commercial Districts; and
- (d) The size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.

SOURCE: § 3105.42 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8363 (October 20, 2000).

### **355 PARKING GARAGES (R-5)**

355.1 A parking garage constructed as a principal use on a lot other than an alley lot in an R-5-E District shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

355.2 The use shall comply with all provisions of chapter 23 of this title.

355.3 No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by chapter 6 of title 24 DCMR, "Public Space and Safety."

355.4 The Board shall find that no dangerous or otherwise objectionable traffic conditions will result, that the present character and future development of the neighborhood will not be affected adversely, and that the parking garage is reasonably necessary and convenient to other uses in the vicinity.

355.5 Before taking final action on an application for the use, the Board shall submit the application to the D.C. Department of Transportation for review and report.

SOURCE: § 3105.43 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 39 DCR 8305, 8306 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8359 (October 20, 2000).

**356 COMMERCIAL ADJUNCTS TO HOTELS (R-5)**

- 356.1 Commercial adjuncts to a hotel containing less than one hundred (100) rooms or suites shall be permitted as special exceptions in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 356.2 The total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts shall not be increased.
- 356.3 There shall be no direct entrance to the adjunct from the outside of the building.
- 356.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk.
- 356.5 No sign or display indicating the existence of the adjunct shall be visible from the outside of the building.
- 356.6 The hotel shall be of sufficient size and character so that the financial support of the requested adjunct may be expected to be furnished entirely or substantially by the hotel guests.

**SOURCE:** § 3105.44 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2066, 2068 (May 16, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8363 (October 20, 2000).

**357 REHABILITATION AND SUBSTANCE ABUSERS' HOMES (R-5)**

- 357.1 Youth rehabilitation homes, adult rehabilitation homes, or substance abusers' homes for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the standards and requirements of §§ 358.2 through 358.7 and 358.9.

**SOURCE:** § 3105.410 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3498 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8359 (October 20, 2000).

**358 YOUTH RESIDENTIAL CARE HOMES AND COMMUNITY RESIDENCE FACILITIES (R-5)**

- 358.1 A youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

- 358.2 There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.
- 358.3 There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 358.4 There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 358.5 The proposed facility shall meet all applicable code and licensing requirements.
- 358.6 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 358.7 The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 358.8 The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.
- 358.9 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 3105.47 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3496 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8364 (October 20, 2000).

### **359 HEALTH CARE FACILITIES (R-5)**

- 359.1 Health care facilities for sixteen (16) to three hundred (300) persons not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

- 359.2 The applicant shall meet the standards and requirements set forth in §§ 358.2 through 358.7.
- 359.3 The Board may approve a facility for more than three hundred (300) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.
- 359.4 The Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services, and Corrections, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 3105.48 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3497 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8364-65 (October 20, 2000).

#### **360 EMERGENCY SHELTERS (R-5)**

- 360.1 Emergency shelters for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, shall be permitted as special exceptions in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the standards and requirements of § 358.

SOURCE: § 3105.49 of the Zoning Regulations effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 3482, 3498 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8365 (October 20, 2000).

#### **361 ART GALLERIES (R-5)**

- 361.1 An art gallery shall be permitted as a special exception in an R-5 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 361.2 The art gallery shall be located and operated so that it is not likely to become objectionable to adjoining and nearby property because of objectionable noise, pedestrian and vehicular traffic, hours of operation, or other objectionable conditions.
- 361.3 The Board shall consider, and regulate, if necessary, the anticipated frequency, number of attendees, and other characteristics of show openings or other group gatherings.

- 361.4 Adequate off-street parking, but not less than that required by chapter 21 of this title, shall be provided to accommodate occupants, employees, and visitors likely to come to the gallery by automobile.
- 361.5 The proposed use shall not adversely affect the present character or future development of the surrounding area.
- 361.6 The Board may require special treatment in the way of design, screening of buildings and parking, signs, exterior and interior lighting, or other requirements it deems necessary to protect adjacent and nearby properties.

**SOURCE:** Final Rulemaking published at 35 DCR 465, 468 (January 22, 1988); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8365 (October 20, 2000).